REMARKS/ARGUMENTS

No new matter has been added.

The Final Office Action mailed May 8, 2007, has been received and reviewed. Claims 1-15 are currently pending in the application. Claims 1-15 stand rejected. Applicants have amended no claims, and respectfully request reconsideration of the application as presented herein.

Claim Rejections under 35 U.S.C. § 102

Claims 1-15 were rejected under 35 U.S.C. §102(e) as being anticipated by U.S. Patent 6,542,490 B1 to Ahmadvand et al (hereinafter "Ahmadvand"). Applicants respectfully traverse this rejection, as hereinafter set forth.

"A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference." M.P.E.P. § 2131 (Aug. 2001) (*quoting Verdegaal Bros. v. Union Oil Co. of California,* 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987)). "The identical invention must be shown in as complete detail as is contained in the . . . claim." *Id.* (*quoting Richardson v. Suzuki Motor Co.,* 868 F.2d 1226, 1236, 9 USPQ2d 1051, 1053 (Fed. Cir. 1987)). In addition, "the reference must be enabling and describe the applicant's invention sufficiently to have placed it in possession of a person of ordinary skill in the field of the invention." *In re Paulsen,* 30 F.3d 1475, 1479, 31 USPQ2d 1671, 1673 (Fed. Cir. 1994).

Applicants submit that the Ahmadvand reference does not and **cannot** anticipate under 35 U.S.C. § 102 the presently claimed invention of (i) independent claim 1 and claims 2-4 and 11 depending therefrom, (ii) independent claim 5 and claim 6 depending therefrom, (iii) independent claim 7 and claims 8-10 depending therefrom, and (iv) independent claims 12-15, because the Ahmadvand reference does not describe, either expressly or inherently, the identical inventions in as complete detail as are contained in the claims.

Claims 1, 12 and 14

Applicants respectfully disagree that the Ahmadvand reference anticipates Applicants' invention as claimed in independent claims 1, 12 and 14 which read:

1. A method for framing packets in a wireless transmission system supporting broadcast transmissions, the method comprising:

generating a portion of an Internet Protocol (IP) packet for transmission;

appending a start of frame indicator to the portion of the IP packet;

applying an error checking mechanism to the portion of ***the IP packet not including a protocol field to identify a payload type***;

preparing a frame for transmission, having the start of frame indicator, the portion of the IP packet, and the error checking mechanism; and

transmitting the frame without the protocol field. (Emphasis added).

12. An apparatus for framing packets in a wireless transmission system supporting broadcast transmissions, the apparatus comprising:

means for ***generating a portion of an Internet Protocol (IP) packet*** for transmission;

means for appending a start of frame indicator to the portion of the IP packet;

means for applying an error checking mechanism to the portion of the IP packet;

means for preparing a frame for transmission, having the start of frame indicator, ***the portion of the IP packet*** and the error checking mechanism and ***not including a protocol field to identify a payload type***; and

means for ***transmitting the frame without the protocol field.*** (Emphasis added).

14. A computer program stored on a computer-readable storage unit, the computer program for framing packets in a wireless transmission system supporting broadcast transmissions, the computer program comprising:

a first set of instructions for ***generating a portion of an Internet Protocol (IP) packet*** for transmission a second set of instructions for appending a start of frame indicator to the portion of the IP packet;

a third set of instructions for applying an error checking mechanism to the portion of the IP packet;

a fourth set of instructions for preparing a frame for transmission, having the start of frame indicator, ***the portion of the IP packet*** and the error checking mechanism and ***not including a protocol field to identify a payload type***; and

a fifth set of instructions for ***transmitting the frame without the protocol field.*** (Emphasis added).

Applicants respectfully assert that Applicants' invention as presently claimed in independent claims 1, 12 and 14 recite, in part, "***the frame without the protocol field***". The Office Action in the Response to Arguments section alleges:

> Regarding to applicant's argument on page 8, Ahmadvand does not discloses "the portion of the IP packet not including a protocol information to identify payload type" and "transmitting the frame without the protocol field". In response, examiner would like to direct applicant's attention to fig. 4 **col. 8 lines 3-7**. Herein, Ahmadvand discloses the ***HDLC-like framing does not included protocol information to identify payload type.*** Noted Ahmandvand discloses no such protocol information field is used for the framing process. (Office Action, p. 5; emphasis added.)

Applicants respectfully disagree with the inaccurate recitation of the disclosure of the Ahmadvand reference. Applicants respectfully rely upon the precise disclosure of the Ahmadvand reference and **not** a paraphrased misleading interpretation thereof. A precise reading of the Office Action's citation of the Ahmadvand reference at col. 8, lines 3-7 recites:

> The HDLC-like framing applied here ***does not use the address and control fields of the generic HDLC frames.*** The HDLC-like frames serve as LAC Protocol Data Units (LAC-PDUs), or LAC frames, as indicated on FIG. 4. (Ahmadvand, col 8, lines 3-7; emphasis added.)

According to the actual disclosure of the Ahmadvand reference, the framing is in accordance with the **generic HDLC standard** with the **address and control fields** being excluded. Specifically, the Ahmadvand reference discloses using the generic HDLC standard which includes the (1) address, (2) control and (3) protocol fields and then modifying the generic HDLC standard framing by excluding the (1) address and (2) control fields. Since the Admadvand reference specifically recites creating an HDLC-like frame by specifically excluding only the (1) address and (2) control fields, the remaining HDLC-like framing as disclosed by the Admadvand reference includes the other fields, namely the (3) protocol field.

By way of example of the "generic" HDLC standard, Applicants respectfully point the Examiner to Applicants' FIG. 9 which illustrates "wherein frame 700 includes a plurality of ***fields as defined by the HDLC protocol outlined in RFC 1662.***" (Applicants' Specification, para. [1063]; emphasis added.) As clearly illustrated in frame 700, three separate and distinct fields, namely, (1) address field, (2) control field, and (3) protocol field are part of the "generic" HDLC protocol.

Accordingly, if the Ahmadvand reference discloses using the generic HDLC frame but "not us[ing] the address and control fields of the generic HDLC frames", then the Ahmandvand reference clearly discloses using an HDLC-like frame that includes the non-excluded fields, namely the (3) protocol field. However, Applicants' invention as presently claimed in independent claims 1, 12 and 14 recite, in part, "***the frame without the protocol field***". Therefore, since the Ahmadvand reference clearly discloses including an element (e.g., the protocol field) that Applicants' claimed invention clearly **excludes**, the Ahmadvand reference **cannot** anticipate under 35 U.S.C. §102 Applicants' invention as presently claimed in independent claims 1, 12 and 14.

Accordingly, such claims are allowable over the cited prior art and Applicants respectfully request that such rejections be withdrawn.

Claim 5

Applicants respectfully disagree that the Ahmadvand reference anticipates Applicants' invention as claimed in independent claim 5 which reads:

> 5. A communication signal transmitted via a carrier wave, comprising:
> a payload portion corresponding to ***a portion of an Internet Protocol (IP) packet*** of digital information and ***not including a protocol field to identify a payload type;***
> a start of frame portion corresponding to the payload portion, and identifying a status of the payload portion within an IP packet; and
> an error checking portion for verifying the payload portion. (Emphasis added).

Applicants herein sustain the above-proffered arguments. Accordingly, if the Ahmadvand reference discloses using the generic HDLC frame but "not us[ing] the address and control fields of the generic HDLC frames", then the Ahmandvand reference clearly discloses using an HDLC-like frame that includes the non-excluded fields, namely the (3) protocol field. However, Applicants' invention as presently claimed in independent claim 5 recites, in part, "***a portion of an Internet Protocol (IP) packet*** of digital information and ***not including a protocol field to identify a payload type***". Therefore, since the Ahmadvand reference clearly discloses

including an element (e.g., the protocol field) that Applicants' claimed invention clearly **excludes**, the Ahmadvand reference **cannot** anticipate under 35 U.S.C. §102 Applicants' invention as presently claimed in independent claim 5.

Accordingly, such claims are allowable over the cited prior art and Applicants respectfully request that such rejections be withdrawn.

Claims 7, 13 and 15

Applicants respectfully disagree that the Ahmadvand reference anticipates Applicants' invention as claimed in independent claims 7, 13 and 15 which read:

> 7. A method for receiving framed packets in a wireless transmission system supporting broadcast transmissions, the method comprising:
> receiving a frame of a packet transmission wherein ***the frame contains a payload portion of an Internet Protocol (IP) packet and does not include a protocol field to identify a payload type,*** the frame having a start of frame portion, a payload portion, and an error check portion, ***the frame not including the protocol field;***
> identifying the frame as a start frame in the packet transmission;
> verifying the frame using the error check portion of the frame; and
> processing the payload portion of the frame. (Emphasis added).
>
> 13. An apparatus for receiving framed packets in a wireless transmission system supporting broadcast transmissions, the apparatus comprising:
> means for receiving a frame of a packet transmission wherein ***the frame contains a payload portion of an Internet Protocol (IP) packet and does not include a protocol field to identify a payload type,*** the frame having a start of frame portion, a payload portion, and an error check portion, ***the frame not including the protocol field;***
> means for identifying the frame as a start frame in the packet transmission;
> means for verifying the frame using the error check portion of the frame; and
> means for processing the payload portion of the frame. (Emphasis added).
>
> 15. An computer program stored on a computer-readable storage unit, the computer program for receiving framed packets in a wireless transmission system supporting broadcast transmissions, the computer program comprising:
> a first set of instructions for receiving a frame of a packet transmission wherein ***the frame contains a payload portion of an Internet Protocol (IP) packet and does not include a protocol field to identify a payload type;*** the frame

having a start of frame portion, a payload portion, and an error check portion, ***the frame not including the protocol field;***

a second set of instructions for identifying the frame as a start frame in the packet transmission;

a third set of instructions for verifying the frame using the error check portion of the frame; and

a fourth set of instructions for processing the payload portion of the frame. (Emphasis added).

Applicants herein sustain the above-proffered arguments. Accordingly, if the Ahmadvand reference discloses using the generic HDLC frame but "not us[ing] the address and control fields of the generic HDLC frames", then the Ahmandvand reference clearly discloses using an HDLC-like frame that includes the non-excluded fields, namely the (3) protocol field. However, Applicants' invention as presently claimed in independent claim 5 recites, in part, "***the frame not including the protocol field***". Therefore, since the Ahmadvand reference clearly discloses including an element (e.g., the protocol field) that Applicants' claimed invention clearly **excludes**, the Ahmadvand reference **cannot** anticipate under 35 U.S.C. §102 Applicants' invention as presently claimed in independent claims 7, 13 and 15.

Accordingly, such claims are allowable over the cited prior art and Applicants respectfully request that such rejections be withdrawn.

Claims 2-4 and 11

Claims 2-4 and 11 are allowable as depending from allowable independent claim 1.

Claim 6

Claim 6 is allowable as depending from allowable independent claim 5.

Claims 8-10

Claims 8-10 are allowable as depending from allowable independent claim 7.

ENTRY OF REMARKS

The remarks regarding claims 1-15 above should be entered by the Examiner because the remarks are supported by the as-filed specification and drawings and do not add any new matter to the application. Further, the remarks do not raise new issues or require a further search. Finally, if the Examiner determines that the remarks do not place the application in condition for allowance, entry is respectfully requested upon filing of a Notice of Appeal herein.

CONCLUSION

Claims 1-15 are believed to be in condition for allowance, and an early notice thereof is respectfully solicited. Should the Examiner determine that additional issues remain which might be resolved by a telephone conference, he is respectfully invited to contact Applicants' undersigned attorney.

Please charge any fees or overpayments that may be due with this response to Deposit Account No. 17-0026.

Date: August 7, 2007

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